

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

KEVIN GREEN,

Defendant.

) Criminal No. **1:16-cr-085-LEK**

)

) **Indictment**

)

) Violations: 38 U.S.C. § 6101(a)  
) [Misappropriation by  
) Fiduciary]; 18 U.S.C. § 641  
) [Theft of Government  
) Property]

)

) 2 Counts

)

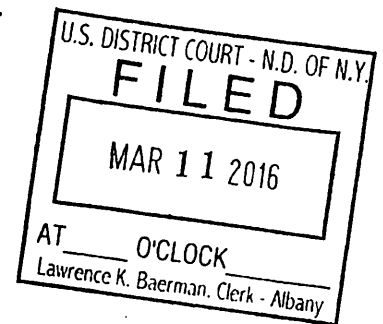
) County of  
Offenses:

Ulster

**THE GRAND JURY CHARGES:**

**COUNT 1**

**[Misappropriation by Fiduciary]**



From on or about March 14, 2011 through on or about May 15, 2013, in Ulster County in the Northern District of New York, and elsewhere, the defendant, **KEVIN GREEN**, being a fiduciary, as defined in Title 38, United States Code, Section 5506, for the benefit of an incompetent veteran under the laws administered by the Secretary of the United States Department Veterans Affairs ("VA"), did willfully and intentionally use and exchange for other funds and property, where such use and exchange was not authorized by law, and embezzle and misappropriate any such money and property derived therefrom in whole and in part, where such money and property came into such fiduciary's control in the execution of such fiduciary's trust and under color of such fiduciary's office and service as a fiduciary, that is the defendant stole VA disability compensation benefits entrusted to him as a fiduciary for an incompetent veteran, in violation of Title 38, United States Code, Section 6101(a).

**COUNT 2**  
**[Theft of Government Property]**

From on or about March 14, 2011 through on or about May 15, 2013, in Ulster County in the Northern District of New York, and elsewhere, the defendant, **KEVIN GREEN**, did knowingly and willfully embezzle, steal, purloin, and convert to his own use money of the United States Department of Veterans Affairs ("VA"), a department and agency of the United States, that is, VA disability compensation for an incompetent veteran, which exceeded in value the sum of \$1,000, in violation of Title 18, United States Code, Section 641.

**FORFEITURE ALLEGATIONS**

The allegations contained in Count 2 of this Indictment are hereby re-alleged and incorporated by reference for purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

Upon conviction of the offense in violation of Title 18, United States Code, Section 641 set forth in Count 2 of this Indictment, the defendant, **KEVIN GREEN**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense, including, but not limited to:

**Money Judgment:** A sum of money equal to all proceeds the defendant obtained directly or indirectly from the offense charged in Count 2 of the indictment, that is, a minimum of approximately \$39,515 in United States currency.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided  
without difficulty,

the United States of America shall be entitled to forfeiture or substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2451(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

Dated: March 11, 2016

A TRUE BILL, \*\*\*REDACTED\*\*\*

  
Grand Jury Foreperson

RICHARD S. HARTUNIAN  
United States Attorney

By:



Cyrus P.W. Rieck  
Assistant United States Attorney  
Bar Roll No. 518933